

Canandaigua Town Board  
Regular Meeting  
July 18, 2011  
7:00 pm

Present: Terry Fennelly	Councilperson
Pam Helming	Councilperson
Oksana Fuller	Councilperson
Ralph Brandt	Councilperson
Sam Casella	Supervisor
Tim Jensen	Director of Development
Derek Brocklebank	Attorney for the Town
Jim Fletcher	Highway Superintendent

Others present: Dennis Brewer, Jack Kellogg, Ray Henry, Yvonne Chavez, Jean Chrisman and Kevin Reynolds and others who did not sign in.

Supervisor Casella called the meeting to order at 7:00 pm.

Pledge of allegiance lead by Councilperson Helming

Moved by Councilman Brandt, seconded by Councilperson Fuller that the minutes of June 27, 2011 be approved.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Moved by Councilperson Fuller, seconded by Councilperson Helming that after review and audit of abstract #10-\$70,702.17 general fund, \$267,106.25 highway fund, \$101,486.38 water fund, \$390. Hicks development capital project, \$127.35 Ext. 36, \$5,147. Sewer capital project, \$4816.54 Hickox Rd. water capital project, \$2,040. Outhouse Park Capital project, \$730.19 Fox Ridge lighting, \$110.30 Centrepoint lighting, \$19.10 Lakewood Meadows lighting, \$104.06 Fallbrook Meadows lighting, that the bills be paid.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Supervisor Casella opened the public hearing on the Canandaigua Lake Uniform Docking and Mooring Local Law at 7:02 pm and advised it had been properly advertised.

Zoning Officer Jean Chrisman gave an overview of the law and the structure of the committee that reviewed the law. This law will have to be adopted by all Towns.

The Ontario County Planning Board gave this a Class II action.

Supervisor Casella closed the public hearing at 7:10 pm.

Motioned by Councilperson Helming, seconded by Councilperson Fennelly

**TOWN OF CANANDAIGUA TOWN BOARD RESOLUTION**

**SEQR DETERMINATION REGARDING AMENDMENT OF  
TOWN CODE CHAPTER 96  
CANANDAIGUA LAKE UNIFORM DOCKING & MOORING LAW**

**WHEREAS**, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) has determined that the above action is an Unlisted Action under the implementing regulations of the State Environmental Quality Review Act (NYCRR Part 617); and

**WHEREAS**, the Town Board has reviewed the Short Environmental Assessment Form (EAF) on the action as presented by staff; and

**WHEREAS**, the Town Board has given consideration to the criteria for determining significance as set forth in NYCRR 617.7(c) (1) as well as the information provided on the Short EAF.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby accepts the Short EAF submitted by staff and finds it to be a reasoned elaboration of the anticipated impacts upon the environment that are likely to result from the adoption and administration of the Uniform Docking & Mooring Law.

**BE IT FINALLY RESOLVED**, that based upon information contained on the Short EAF as well as input from the public and outside agencies, the Town Board hereby makes a determination of non-significance and directs the Town Supervisor to sign and date the Part II of the Short EAF.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Motioned by Councilperson Helming, seconded by Councilperson Fennelly

Town of Canandaigua Town Board Resolution  
To adopt Local law # \_\_\_ of 2011  
Amendment of CHapter 96 OF THE CANANDAIGUA TOWN CODE  
Canandaigua Lake Uniform Docking & Mooring Law

**WHEREAS**, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) is considering an amendment to Town Code, Chapter 96, entitled Canandaigua Lake Uniform Docking & Mooring Law; and

**WHEREAS**, Chapter 96 establishes the criteria, standards and regulations to regulate navigational access to Canandaigua Lake; the density of docks, moorings, and associated facilities; and the number of boat slips, docks, and moorings allowed per the number of lineal feet of shoreline; and

**WHEREAS**, the action of adopting this amendment is classified as an Unlisted Action pursuant to NYCRR, §617.7(c)(1), the State Environmental Quality Review Regulations; and

**WHEREAS**, on July 18, 2011, the Town Board held a public hearing to allow for public comment on the proposed amendment; and

**WHEREAS**, it is the consensus of the Town Board that the proposed changes are necessary to enact and enforce a local law to uniformly regulate the manner of construction of and location of docking and mooring facilities, associated facilities, and related structures including related accessorial uses in the waters of Canandaigua Lake bounding or within the jurisdiction of the Town of Canandaigua, to a distance of 1,500 feet from the shoreline.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby adopt Local Law # \_\_ of 2011.

**BE IT FINALLY RESOLVED**, that the Town Board directs the Town Clerk and Attorney to the Town to certify the adoption of said local law and to cause it to be filed with the Secretary of State, of the State of New York.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Motioned by Councilperson Helming, seconded by Councilperson Fennelly

Town of Canandaigua Town Board Resolution  
ASSIGNING TIERS TO ZONING DISTRICT  
Canandaigua Lake Uniform Docking & Mooring Law

**WHEREAS**, the Town of Canandaigua Town Board, ("Town Board") adopted LL \_\_\_ of 2011, on July 18, 2011, amending Town Code, Chapter 96, entitled Canandaigua Lake Uniform Docking & Mooring Law ("UDML"), and

**WHEREAS**, the UDML establishes the criteria, standards and regulations relative to navigational access to Canandaigua Lake, the density of docks, moorings, and associated facilities, and the number of boat slips, docks, and moorings allowed per the number of lineal feet of shoreline, and

**WHEREAS**, the UDML contemplates that the Town Board will assign Tier classifications, as defined in the UDML, based upon the adjoining zoning district, and

WHEREAS, the Town Board has reviewed the descriptions of the Tier 1, Tier 2, and Tier 3 categories set forth in the UDML, and has additionally reviewed the Town's Official Zoning Map, and Chapter 220 of the Town Code,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby assigns the following Tier classifications under the UDML to the following Zoning Districts:

- Tier 1: Residential Lake District (RLD) and Residential Lake District/281 (RLD/281)
- Tier 2: Community Commercial (CC) Zoning District
- Tier 3: Community Commercial (CC) Zoning District

Discussion. 5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

#### PRIORITY BUSINESS

Town Historian Ray Henry – briefed the board on the Tour of Homes that will take place on September 24, 2011. All the homes on the tour are in the Town. He is writing the pamphlet for the tour and asked the board if they would like to take out an ad in the pamphlet.

Moved by Councilperson Fuller, seconded by Councilman Brandt that a full page ad be placed in the Tour of Homes pamphlet at a cost of \$150.00.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Councilman Brandt announced that the Comprehensive Plan Committee will be holding a public hearing on the updated Comprehensive Plan on July 21, 2011 at 7pm. at the Crosswinds Wesleyan Church.

#### PRIVILEGE OF THE FLOOR

No one spoke.

#### PRESENTATION OF PETITIONS, COMMUNICATIONS, AND CORRESPONDENCE

1. Wood Library- Community news letter and summer program schedules
2. Letter from Senator Pat Gallivan regarding being in Canandaigua on 8/9/11.
3. Letter from Time Warner Cable
4. NYS Legislative Commission on Rural Resources
5. Ontario Pathways brochure with calendar of events

#### HIGHWAY DEPARTMENT REPORT – Jim Fletcher

1. New Michigan Rd. final asphalt will be done the second week of August.
2. Middle Cheshire Rd. project is waiting for gutters.
3. Will resurface 13 roads at the south end of the Town.
4. Will be meeting with FEMA over the flooding damage the Town experienced. Any funding would not be received till 2012.
5. Hickox Road water is in.
6. Working on water meter installation.
7. The Cheshire Grange has asked if the Town could provide a dumpster to them.
8. Getting complaints from residents of Old Brookside regarding the Old Brookside Park not being maintained. Wondered if the Town could accept dedication of this park. Jim will contact the developer, Mr. Leenhouts and check on the maintenance bond the town holds.
9. Expanding dump hours to: Wed.-4-8 pm, Sat. and Sun 8-2pm. starting immediately till November 1<sup>st</sup>.
10. Met with Bob Johnston, and Supervisor Casella regarding 4110 County Road 16 and are presently working on a solution.
11. Waiting for Army Corp of Engineers to finish the paperwork for the Town sewer project.
12. Looking into the flooding on Laura Lane.

#### DIRECTOR OF DEVELOPMENT – Tim Jensen

Purdy Rd Mobile Rd Sewer: MRB is looking at the District Report and updating as needed. I hope to have action items (resolutions, etc) for the Board regarding formation of the district, in time for the August 8th meeting Nothing further to report on the status of the grant application submitted at the end of May.

Wyffels PDR: Continuing to work through comments from NYSDAM. I think we're still on track to complete the file by the end of summer.

Outhouse Park: I forwarded the most recent proposal for the park development to Laurie Moore at NYS Parks and asked her to let us know if there any concerns about the community building or the rest of the improvements.

Comp Plan: The final draft has been posted online. Public notice for a public information meeting to be held on July 21st at the Wesleyan Church on Middle Cheshire Rd has also been posted.

2011 Code Updates: Based on the recommendations staff has begun work on revising the Subdivision Chapter and the Site Design and Development Guidelines.

The Hammock Apartments (formerly Amber Meadows): The applicants have submitted their application to the Development Office. Staff will be meeting with the City sometime next week to discuss coordinating the review.

Villas Trail: Staff met with the Town Board attorney to discuss process for possibly amending the incentive zoning to allow the applicant to make a payment to the Town instead of actually constructing the trail. The trails committee has met and within the next few days should be forwarding the DO its recommendation regarding alternatives to constructing the trail (at this time). The Town Highway Superintendent has been asked for recommended alternatives as well. The plan is to assemble a complete package of options for Town Board consideration on the August 8th.

#### **SUPERVISOR'S REPORT**

1. Jim Armstrong will be asked to come to the next board meeting to discuss a temporary ice rink near the Civic Center.

#### **REPORTS OF ANY STANDING COMMITTEES**

No reports

#### **REPORTS OF COMMITTEES, BOARD AND COMMISSIONS**

\_Dennis Brewer-Parks Committee

- Programs running well at the park.
- People from the Mormon Pageant came and mulched the Barnes Road Trail.
- Looking into the cost of lifeguard training.
- Park committee meeting August 3<sup>rd</sup> and Trails committee meeting August 8<sup>th</sup>
- The Trails committee would like to see a trail in the area of the Villa's. If money is received from Wegman's instead of them developing the trail they would like it to go into a fund for future development of trails.

#### **RESOLUTIONS:**

Motioned by Councilperson Brandt, seconded by Councilperson Helming, to surplus the following items from the Town of Canandaigua Inventory listing: #861 Ronco phone headset, #268, 269, 584, 662, 663 Voting Machines, #1583 broken keyboard, #209 refrigerator.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Motioned by Councilperson Brandt, seconded by Councilperson Fuller, to approve a TE-9 study performed by the NYS Department of Transportation of the Canandaigua Farmington Town Line Road for the review of reducing the speed limit between the roads of New Michigan Road and County Road 28.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Motioned by Councilperson Brandt, seconded by Councilperson Fuller

WHEREAS, The Town of Canandaigua, after a comprehensive review of its benefit policies and procedures has determined that the policy on Domestic Partners needs to be modified. It shall be the policy of the Town to make Health Insurance available for purchase by its employee's for their Domestic partners as allowed by Excellus. *There will be no Town contribution.*

NOW, therefore be it resolved, that the Town benefit policies and procedures be modified as set forth above be effective as of November 1, 2011.

Motion to amend moved by Councilperson Helming, seconded by Councilman Brandt.  
5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Moved as amended by Councilman Brandt, seconded by Councilperson Fuller  
5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Moved by Councilman Brandt, seconded by Councilperson Fuller to provide a dumpster for the nonprofit organization that is restoring the Cheshire Grange and do pickup as needed.  
5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Moved by Councilman Brandt, seconded by Councilperson Fuller,

WHEREAS, Linda Graham provides bookkeeping services to the Town Supervisor on an as-needed basis now and through December 31, 2011 at the rate of \$50 an hour, with payment for services to be made no later than January 31, 2012,

NOW, THEREFORE, BE IT RESOLVED that, the Town Board approves this agreement for professional services.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

**PRIVILEGE OF FLOOR**

No one spoke.

**OTHER BUSINESS**

Councilperson Fuller announced that there was a workshop on July 21, and 22 at the Finger Lakes Institute on "Proactive Approaches to Mitigating Impacts of Marcellus Shale Development.

Moved by Councilman Brandt, seconded by Councilperson Fuller to move into executive session at 8:25 pm for the medical, financial, credit or employment history of a particular person or corporation, or matters.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

The board moved out of executive session at 9:05pm.

The meeting was adjourned at 9:05pm.

Judith H. Carson  
Town Clerk